IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH PAUSHA 1928

MACA.No. 924 of 2006()

OPMV.268/2001 of MOTOR ACCIDENT CLAIMS TRIBUNAL, MANJERI

APPELLANT/PETITIONER.

NAGAN, S/O.MANAT NAYADIKUTTY,
AGED 60 YEARS, MELAYOD HOUSE, KARIMUKKU,
KOTTUKKARA P.O. KONDOTTY, MALAPPURAM DISTRICT.

BY ADV. SRI.P.SAMSUDIN

RESPONDENT: 3RD RESPONDENT.

THE UNITED INDIA INSURANCE CO.LTD.,
DIVISIONAL OFFICE, MANJERI.

BY ADV. SMT.P.A.REZIYA

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.T. SANKARAN, J.

M.A.C.A.NO. 924 OF 2006

Dated this the 3rd day of January,2007

JUDGMENT

The appellant filed O.P.(MV) No.268 of 2001 before the Motor Accidents Claims Tribunal, Manjeri, claiming a total sum of Rs.86,000/- as compensation, which was limited to Rs.41,000/-. The accident took place on 2.2.1989. It is stated that the appellant sustained fracture of 7th rib and other injuries. Immediately after the accident, the appellant was taken to K.P.M. Hospital, Malappuram and was treated as an inpatient till 7.2.1999. It is now stated that he was admitted in the District Hospital, Manjeri and was discharged on 21.2.1999. The contention of the appellant is that he had spent more than Rs.13,000/- for medicine and treatment. The appellant did not adduce any oral evidence before the Tribunal. He produced Exts.A1 to A4 series of medical bills. It

is submitted by the learned counsel for the respondent that the entire amount covered by the medical bills have been granted by the Tribunal.

2. The Tribunal decided issue No.2, namely, whether the petitioner is entitled to compensation and if so, what is the quantum, as follows:

> "Issue No.2: Petitioner was 55 years old who suffered: 1) Fracture 7th rib. (2) Abrasion right frontal area and left elbow. (3) Contusion chest and back. (4) Contusion over the right thigh. (5) Contusion over the left hip. He is entitled to the following compensation:
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> | | | |
> |---|---|---|
> | Transport to hospital | : | Rs. 250.00 |
> | Extra nourishment and bystanders expenses | : | Rs. 500.00 |
> | Medical expenses | : | Rs. 1,821.00 |
> | Pain and suffering | : | Rs. 8,000.00 |
> | Total | : | Rs.10,571.00 |
>
> ="

There is no discussion at all as to how the

Tribunal arrived at the conclusion. On that short ground the award is liable to be set aside. In the facts and circumstances of the case, I am inclined to grant an opportunity to the appellant to adduce evidence. This opportunity is being afforded only on the ground that there is no discussion on the merits of the case in the award and on that ground a remand is necessary.

Accordingly, the award impugned is set aside. The Tribunal shall consider the matter afresh. Appellant may adduce such evidence as he may wish to adduce. The parties shall appear before the Tribunal on 1.2.2007. The Tribunal shall dispose of the petition within a period of three months thereafter.

(K.T.SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

CRL.M.C.NO. OF

O R D E R

September, 2006